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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT PAPER NUMBER

2664

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/902,804

Applicant(s)

WALLES, ERIK

Examiner

Andrew C. Lee

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The Office would like to thank the Applicants' amendment to the Drawings, specification and corrections as recommended.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Radha et al. (U.S. Patent No. 6700893 B1).

Regarding Claims 1, 10 Radha et al. disclose the limitation of a node of a packet switching network which handles a media stream of packets (Fig. 1, column 5, lines 15 – 17), the node comprising: a processing chain comprising plural processing units through which a packet of the media stream is routed (column 3, lines 17 - 21), each of the plural processing units generating an intra-node performance monitoring packet which includes an indication of time spent by the packet of the media stream in the respective processing unit (column 7, lines 66 – 67; column 8, lines 1 – 9); a performance monitoring unit (Fig. 1, element 138) which receives the intra-node performance monitoring packets generated by the respective plural processing units and which uses contents of the intra-node performance monitoring packets to provide

an indication of delay in the node for the media stream (Fig. 1, element 138; column 5, lines 66 – 67; column 6, line 1).

Regarding Claims 2, 11, Radha et al. disclose the limitation of a node of claimed wherein the performance monitoring unit uses the contents of the intra-node performance monitoring packets to determine an overall delay of the packet of the media stream through the plural processing units of the node (column 8, lines 21 – 26; column 16, claim 3).

Regarding Claims 3, 12, Radha et al. disclose the limitation of a node of claimed wherein at least one of the plural processing units has an associated queue (column 7, lines 54 – 56), and wherein the intra-node performance monitoring packet generated by the at least one of the plural processing units with the associated queue includes a first component and a second component of the of the time spent by the packet of the media stream in the at least one of the plural processing units with the associated queue (column 7, lines 66 – 67; column 8, line 1), the first component being a delay experienced by the packet of the media stream attributable to processing performed by the at least one processing units with the associated queue (column 8, lines 4 – 9; lines 13 – 14), the second component being a delay experienced by the packet of the media stream attributable to the associated queue (column 8, lines 15 – 16; column 16, claim 1, lines 38 - 51).

Regarding Claims 4, 14, Radha et al. disclose the limitation of a node of claimed wherein the performance monitoring unit acquires a time required for the packet of the

media stream to travel between a first processing unit and a second processing unit (column 3, lines 17 – 21; column 8, lines 27 – 32).

Regarding Claims 5, 13, 15, Radha et al. disclose the limitation of a node of claimed wherein the performance monitoring unit estimates the time required for the packet of the media stream to travel between a first processing unit and a second processing unit with reference to an inter-unit delay monitor packet generated by the performance monitoring unit (column 3, lines 17 – 21; column 8, lines 21 – 32; column 18, claim 25, lines 55 – 56).

Regarding Claims 6, 7, 16, 17, Radha et al. disclose the limitation of a node of claimed, further comprising a switch which interconnects the processing units and the performance monitoring unit (Fig. 1, element 120), wherein the inter-unit delay monitor packet is a switch-monitor packet (column 7, lines 47 – 49), and wherein the performance monitoring unit determines a time required for the switch-monitoring packet to travel between the performance monitoring unit and a selected one of the plural processing units (column 7, lines 31 – 36).

Regarding claims 8, 18, Radha et al. disclose the limitation of a node of claimed wherein the performance monitoring unit estimates the time required for the packet of the media stream to travel between a first processing unit and a second processing unit by (1) determining a difference between an arrival time at the performance monitoring unit of an intra-node performance monitoring packet from the second processing unit and an arrival time at the performance monitoring unit of an intra-node performance monitoring packet from the first processing unit (column 8, lines 27 – 32), and (2) adding

a time delay in the first processing unit to the difference (1) (column 8, lines 40 – 50).

Regarding Claims 9, 19, Radha et al. disclose the limitation of a node of claimed each of the plural processing units handles plural media streams (column 8, lines 2 – 9), and wherein the performance monitoring unit provides an indication of delay in the node for each of the plural media streams (column 7, lines 55 – 61).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1 –19 have been considered but are not persuasive. Examiner appreciates the description of the prior art.

5. Regarding claims, Applicants argues referenced Radha does not disclose claimed a processing chain comprising plural processing units through which a packet of media stream is routed as Examiner interprets them as processing units. Examiner contends processing unit had actually been interpreted in Radha disclosing in column 6, lines 7 – 21 that IDT buffers, delay budget controller, and re-transmission controller are implemented in a personal computer (PC) that receives streaming video and/or audio from, for example, the Internet over a high-speed data line. In such an embodiment, IDT buffer may be implemented in RAM on a video card, and delay budget controller are re-transmission controller may be implemented in the CPU of the PC.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL

May 27, 2005

  
**Ajit Patel**  
**Primary Examiner**